

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

CLIFFORD COOPER,

Plaintiff,

v.

DOCTOR SPEIGHT,

Defendant.

CIVIL ACTION NO. 5:22-cv-13 (MTT)

ORDER

Plaintiff Clifford Cooper objects to United States Magistrate Judge Stephen Hyles's June 5, 2023 Order (Doc. 58) that granted Defendant Doctor Vernon Speight's motion to reopen and extend discovery to take Cooper's deposition. Doc. 59. Federal Rule of Civil Procedure 72(a) provides that a party may object to a Magistrate Judge's non-dispositive order within 14 days of being served with a copy of the order. A district judge must then "consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law." Fed. R. Civ. P. 72(a); *see also* 28 U.S.C. § 636(b)(1)(A) (reciting same "clearly erroneous or contrary to law" standard). "A ruling is clearly erroneous where either the magistrate judge abused his discretion or the district court, after reviewing the entirety of the record, is left with a definite and firm conviction that a mistake has been made." *Jackson v. Deen*, 2013 WL 3991793, at *2 (S.D. Ga. Aug. 2, 2013) (internal quotation marks omitted). "A decision by the magistrate judge is contrary to law where it either fails to follow or misapplies the applicable law." *Id.* "The standard for overturning a Magistrate Judge's non-dispositive

order is a very difficult one to meet.” *Mitchell v. Thompson*, 2012 WL 1080869, at *1 (M.D. Ga. Mar. 30, 2012) (internal quotation marks omitted). After review, the Court finds the Magistrate Judge’s June 5, 2023 Order (Doc. 58) is not clearly erroneous or contrary to law.¹ Accordingly, Cooper’s Objection (Doc. 59) is **OVERRULED**.

SO ORDERED, this 25th day of August, 2023.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT

¹ Although Cooper’s objection was not mailed until July 18, 2023, his objection was signed June 19, 2023. Docs. 59; 59-1. Therefore, the Court accepts Cooper’s objection as timely filed within fourteen days as required by Rule 72(a).